

REMARKS/ARGUMENTS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-4 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and Remarks as set forth below.

Rejection Under 35 U.S.C. § 102

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Shimizu et al. (U. S. Patent 6,162,539). This rejection is respectfully traversed.

The Examiner points out that the Shimizu et al. reference discloses a luminous fiber suitable for woven goods and a process for producing the fiber. The Examiner further says that warp and weft yarns are inherent to any woven fabric. Accordingly, the Examiner believes it would be inherent in Shimizu et al. to include the location of the light fiber. Applicant disagrees with the Examiner's understanding of the reference.

First, it is noted that the Shimizu et al. reference nowhere discusses the possibility that the luminous fiber is included as one of the warp yarns of the woven body. Admittedly, the reference says that the fiber is suitable for a number of uses, including woven goods. However, exactly how this fiber is utilized is never discussed in the reference. Accordingly, Applicant submits that the reference does not show the combination of elements described in claim 1, including a woven band body with a plurality of warp and weft yarns, where the warp yarns include at least one cold light fiber which allows the woven band body to illuminate colored light at night. The Examiner has indicated that the location of the fiber would be inherent to Shimizu et al. Applicant disagrees since the fiber could be attached in any number of fashions, such as by

stitching thereto, as described in the Background section of the present application. In view of this, Applicant submits that claim 1 is allowable.

Rejection Under 35 U.S.C. § 103

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being obvious over Shimizu et al. in view of Broadbent (U. S. Patent 13,382). This rejection is respectfully traversed.

The Examiner relies on Broadbent to teach shuttle weft insertion. Even though Broadbent teaches the concept of a shuttle to carry the weft threads, it does not in any fashion teach the concept of a cold light fiber as in the present application. Accordingly, Broadbent does not aid the Shimizu et al. reference in teaching the use of such a cold light fiber as either a warp thread or a weft thread. Accordingly, Applicant submits that claim 2 is likewise allowable.

New Claims

By way of the present amendment, the Applicant has added new claims 3 and 4. These claims recite further features related to the cold light fiber itself. Thus, claim 3 describes the two layers of the fiber. Claim 4 describes the connection to an electrical source. Neither of these features are shown in the references.

Specifically, while Shimizu et al. shows a high luminance luminous fiber, this fiber is different from that of the present invention. The present cold light fiber is made of a metallic core surrounded by a cover layer of cold light material. The core is connected to an electrical source so that the cover layer generates colored light. In the Shimizu et al. reference, the fiber is made of a core of resin which contains a luminous pigment with the core covered by a sheath of

resin without pigment. There is no indication that the fiber is connected to an electrical source. Accordingly, the fiber shown in Shimizu et al. is not the same as that presently claimed. Accordingly, Applicant submits that claims 3 and 4 are additionally allowable.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all of the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned, at the telephone number of (703) 205-8000, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Joe McKinney Muncy

Reg. No. 32,334

for

#43,360

KM/RFG/slb

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000